IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 7935 of 1997

Between:

1 Vemulapalli Krishna Mohana Rao, S/o. Venkatachalapathi Rao.
R/o. Vaddigudem-Koniki Revenue Village, Pedapadu Mandal,
West Godavari.
2 Moru Sreerama Chandrudu, S/o. Lakshmaiah.
R/o. Vaddigudem-Koniki Revenue Village, Pedapadu Mandal,
West Godavari.
3 Ghantasala Kasulu, S/o. Suryanarayana.
R/o. Vaddigudem-Koniki Revenue Village, Pedapadu Mandal,
West Godavari.
4 Mungara Pentaiah, S/o. Jagannadham.
R/o. Vaddigudem-Koniki Revenue Village, Pedapadu Mandal,
West Godavari.
5 Mungara Raghapathamma, W/o. Srimannarayana.
R/o. Vaddigudem-Koniki Revenue Village, Pedapadu Mandal,
West Godavari.

..... PETITIONERS

AND

1 District Collector, Eluru, West Godavari.
2 Mandal Revenue Officer, Pedapadu Mandal, West Godavari.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly one in the nature of Mandamus declaring the interference of the respondents in out activity of piscie culture and in repairing our tanks in an extent of Ac.30-70 cents, as detailed below:

RS.NO. EXTENT

1. Vemulapalli Krishna Rao 325/2B Ac.0-13 cents

326/1 0-45

373/2B 7-80

385/4 0.04

_____

Ac.8-42 cents

_____

2. Moru Sreeramachandrudu 317/6 Ac.0-94 cents

317/7 1-00

317/8 1-00

317/9 1-01 317/10 0-97

_____

Ac.4-91 cents

3. Ghantasala Kasulu 260/1 Ac.1-19 cents

267. 7-50

_____

Ac.8-69 cents

4. Mungara Pentaiah 319/2 A2 Ac. 1-77 cents

319/2B Ac.2-00

_____

Ac.3-77 cents

_____

5. Mungara Raghupathamma 405/11A Ac.4-91 cents

Total Ac.30-70 cents

of Vaddiguderm-Koniki Revenue Village of Pedapadu Mandal of West Godavari District as arbitrary, illegal, malafide and without jurisdiction and consequently direct the respondents not to interfere with out activity in any manner what so ever

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORAL ORDER

Heard both the counsel on record.

The writ petition is filed for writ of Mandamus to declare the interference of the respondents with the petitioners' activity of piscie culture and in repairing the tanks in an extent of Ac.30.70 cents, as detailed below, as illegal and arbitrary.

RS.NO. EXTENT

1. Vemulapalli Krishna Rao 325/2B Ac.0-13 cents

326/1 0-45

373/2B 7-80

385/4 0.04

_____

Ac.8-42 cents

_____

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319/2B Ac.2-00

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Ac.3-77 cents

_____

5. Mungara Raghupathamma 405/11A Ac.4-91 cents

Total Ac.30-70 cents

Counter-affidavit in detail was filed. A specific stand was taken that the Government

had issued orders, prohibiting the assignment of alienation of the government land lying along the entire Coastal like to a distance of 560 Mts from the high way mark, which also apply to areas like Kolleru lake and publiat lake vide G.O.Ms.No.420 Revenue dated 25-03-1982, G.O.Ms.No.536 Rev. dated 20-05-1985 and G.O.Ms.No.625 Rev. dated 29-06-1990. After the year 1982, the Government of Andhra Pradesh has imposed ban orders on Kolleru area and the lease orders were not renewed after 1982 to the societies.

It is brought to the notice of this Court that similar matters were decided in W.P.No.2180 of 2001 and batch reported in *MADIREDDY PADMA RAMBABU VS.DIVISIONAL FOREST OFFICER, KAKINADA* and the Division Bench had dismissed the said writ petitions.

In view of the fact that the questions involved in this writ petition had already been decided by the Division Bench, no further orders need be passed in this writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

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P.S.NARAYANA,J

10TH DECEMBER 2004

*TSNR

TO

1. The District Collector, Eluru, West Godavari.
2. The Mandal Revenue Officer, Pedapadu Mandal, West Godavari.
3. Two CCs to G.P for Revenue, High Court Buildings, High Court of A.P. Hyderabad,(OUT)

4. Two C.D.Copies